

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

=====:
UNITED STATES OF AMERICA,

— *against* —

KAREEM BURKE,

Defendant.
=====:

:
:
:
07-cr-1128 (DAB)

:
: Declaration in Support
: of Motion
: to Suppress Evidence

STATE OF NEW YORK }
COUNTY OF NEW YORK }
SOUTHERN DISTRICT OF NEW YORK } s.s.:

Jeremy F. Orden, Esq., pursuant to Title 28 United States Code Section 1746, hereby declares, under penalty of perjury, that he is the attorney of record for the named defendant, Kareem Burke, and, in that capacity, he makes this declaration in support of the relief sought in the annexed Notice of Motion for Suppression. The statements asserted as facts herein are based upon your Affirmant's examination of the indictment, and complaint, and all such other material provided by the Government, upon his conversations with the defendant, and upon his review of the record and all proceedings previously had hereto. All matters about which Affirmant lacks personal knowledge are asserted herein as being upon information and belief.

1. Presently the Defendant is indicted in 07-cr-1128 (DAB).

2. Upon information and belief, and upon the facts as set forth in said Indictment, and in all discovery provided to date, the police lacked sufficient reasonable suspicion to stop

the Defendant and effect a *Terry*-stop, and furthermore, lacked the requisite probable cause to arrest the Defendant. Thus, the guns seized as a result of said stop and arrest must be suppressed. Furthermore, any statements or utterances made by the defendant must be similarly suppressed as “fruit of the poisonous tree”.

WHEREFORE, Declarant respectfully requests that this Court grant the relief sought in the annexed motion, together with all such further relief as this Court shall deem just and proper.

Respectfully submitted,

/s/ Jeremy F. Orden
Jeremy F. Orden, Esq.

Dated: 27 March 2008
New York, NY